

1 SHEPPARD MULLIN RICHTER & HAMPTON LLP  
A Limited Liability Partnership  
2 Including Professional Corporations  
GUY N. HALGREN, Cal. Bar No. 115732  
3 ghalgren@sheppardmullin.com  
SAMANTHA D. HARDY, Cal. Bar No. 199125  
4 shardy@sheppardmullin.com  
RACHEL A. MILLER, Cal. Bar No. 247023  
5 rmiller@sheppardmullin.com  
501 West Broadway, 19th Floor  
6 San Diego, California 92101-3598  
Telephone: 619-338-6500  
7 Facsimile: 619-234-3815

8 Attorneys for Defendants  
FRITO-LAY, INC. and  
9 ROLLING FRITO-LAY SALES, LP

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION  
12

13 EDWARD DE STEFAN, individually and  
14 on behalf of other members of the public  
similarly situated,

15 Plaintiff,

16 v.

17 FRITO LAY, INC., ROLLING FRITO-  
18 LAY SALES, LP and DOES 1-10,  
inclusive,

19 Defendants.  
20

Case No. SACV10-112-DOC (MLG)

**DEFENDANTS FRITO-LAY, INC.  
AND ROLLING FRITO-LAY  
SALES, LP'S APPENDIX OF  
EXHIBITS IN SUPPORT OF THEIR  
OPPOSITION TO PLAINTIFF'S  
MOTION FOR CLASS  
CERTIFICATION**

Date: May 9, 2011  
Time: 8:30 a.m.  
Judge: Hon. David O. Carter  
Ctrm: 9D

[Second Amended Complaint Filed:  
September 30, 2010]

Trial Date: October 11, 2011.

[Concurrently filed with Opposition to  
Plaintiff's Motion for Class Certification,  
Request for Judicial Notice, Appendix of  
Foreign Authorities, Declaration of  
Samantha D. Hardy and Declaration of  
Rachel A. Miller]

TO PLAINTIFF AND HIS COUNSEL OF RECORD:

Attached are the following Exhibits submitted in support of Defendants' Frito-Lay, Inc. and Rolling Frito-Lay Sales, LP's Opposition to Plaintiff's Motion for Class Certification.

**INDEX TO EXHIBITS**

Exhibit	Description
A	True and correct copies of relevant pages from the deposition transcript of Plaintiff Edward De Stefan that are cited in support of Defendants' Opposition to Plaintiff's Motion for Class Certification.
B	True and correct copies of relevant pages from the deposition transcript of Person Most Knowledgeable Karen Sheeley that are cited in support of Defendants' Opposition to Plaintiff's Motion for Class Certification.
C	A true and correct copy of a summary chart entitled, "Chart of Plaintiff's Theories and Contradictory Testimony."
D	Route Bid Sheet, signed by Plaintiff (Exhibit 2 to Plaintiff's deposition transcript)
E	Acknowledgement of Route Sales Employee Handbook, signed by Plaintiff (Exhibit 4 to Plaintiff's deposition transcript)
F	<u>Charpentier v. Frito-Lay, Inc.</u> Class Notice (Exhibit 21 to Plaintiff's deposition transcript)
G	<u>Charpentier v. Frito-Lay, Inc.</u> Claim Form/FLSA Consent Form, signed by Plaintiff (Exhibit 20 to Plaintiff's deposition transcript)
H	Check for \$472.13 to Plaintiff (Exhibit 19 to Plaintiff's deposition transcript)
I	"Commission Formula & Rules" document (Exhibit 23 to Plaintiff's deposition transcript)
J	"Route Compensation: Base and Commission Accounting (BCOM)" document (Exhibit 24 to Plaintiff's deposition transcript)
K	Frito-Lay Employee Handbook, RSR Edition 2005 (Exhibit 3 to Plaintiff's deposition transcript)
L	"Standards of Performance (Salesman's

	Responsibility)" document (Exhibit 5 to Plaintiff's deposition transcript)
M	Written Warning – Job Performance to Plaintiff (Exhibit 6 to Plaintiff's deposition transcript)
N	2 <sup>nd</sup> Written Warning – Job Performance to Plaintiff (Exhibit 7 to Plaintiff's deposition transcript)
O	Daily Report for Plaintiff (Exhibit 9 to Plaintiff's deposition transcript)
P	Statement of Earnings Details for Plaintiff (Exhibit 25 to Plaintiff's deposition transcript)
Q	Field Sales Compensation – Salesperson Earnings Report for Plaintiff (Exhibit 26 to Plaintiff's deposition transcript)
R	Step 4 – Termination Letter to Plaintiff (Exhibit 10 to Plaintiff's deposition transcript)

Dated: April 18, 2011

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Samantha D. Hardy

GUY N. HALGREN  
SAMANTHA D. HARDY  
RACHEL A. MILLER

Attorneys for Defendants  
FRITO-LAY, INC. and ROLLING FRITO-LAY  
SALES, LP  
shardy@sheppardmullin.com